

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4379 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

GUJARAT UNIVERSITY ADHYAPAK SANGH

Versus

GUJARAT UNIVERSITY

Appearance:

MR BP TANNA for Petitioner

MR SN SHELAT for Respondent No. 1

NOTICE SERVED for Respondent No. 2

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 03/03/2000

ORAL JUDGEMENT

In this petition under Article 226 of the Constitution, the Gujarat University Teachers Association has prayed for a writ of mandamus to direct the respondent authorities to give the members of the petitioner Association benefit of earned leave or special pay or adequate compensation or due leave available to them with pay for the period during which some of the teachers had gone on strike and the members of the petitioner Association had not gone on strike.

2. There is no dispute about the fact that the petitioners were paid their normal salary and allowances

for the period during which they had worked. The grievance is that the teachers who had gone on strike were also subsequently given benefits which ought not to have been given to them as they were not entitled to get and that, therefore, the members of the petitioner Association should get greater benefits than what they were entitled to get in the normal course for the relevant period of 34 days.

3. It is not possible to accept the petitioners' contention that the petitioners have any legal right to get such extra benefit. The petitioners were admittedly paid their full salary and allowances for the relevant period during which they had worked. In any view of the matter, the Education Department in the State Government had after filing of the petition passed Government Resolution dated 31.5.1988 granting additional earned leave in the year during which the teachers had rendered services even during the strike period. Hence, nothing further is required to be done in the matter and the petition is disposed of with a direction to the respondents to act in accordance with the said Government Resolution No. NGC-1188-M-965-Kh, dated 31.5.1988.

4. The petition is disposed of in terms of the aforesaid direction.

Rule is made absolute to the aforesaid extent only. There shall be no order as to costs.

March 3, 2000 (M.S. Shah, J.)
sundar/-